

William B. Schendel
Winfree Law Office,
A Professional Corporation
301 Cushman Street, Suite 200
Fairbanks, Alaska 99701
Telephone: 907-451-6500
Facsimile: 907-451-6510
e-mail address: will.schendel@winfreelaw.com

Attorney for Plaintiff Worrells

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

WESLEY WORRELLS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. F05-0025CV (RRB)
)	
SAM'S WEST, INC.,)	
d/b/a SAM'S CLUB #6603)	
)	
Defendant.)	
_____)	

SECOND AMENDED COMPLAINT

Plaintiff Wesley Worrells, through counsel, alleges as follows:

1. The Court has jurisdiction over this claim for overtime compensation under 28 USC § 1331 and 29 USC § 216(b).
2. Plaintiff Wesley Worrells has been a resident of the Fairbanks North Star Borough at all times relevant to this action.
3. Defendant Sam's West, Inc. is a foreign corporation that has been operating a warehouse store in the Fairbanks North Star Borough at all times relevant to this action.



4. Defendant Sam's West, Inc. regularly employed more than four (4) full-time employees at all times relevant to this action.

5. Defendant Sam's West, Inc. is an employer subject to the federal Fair Labor Standards Act.

6. Defendant Sam's West, Inc. employed Plaintiff Worrells from about 1992 through the present.

7. From November 3, 2002, through November 3, 2005, Sam's West, Inc. employed Plaintiff Worrells to work more than eight (8) hours per day and more than forty (40) hours per work week.

8. Defendant Sam's West, Inc. failed to pay Plaintiff Worrells overtime compensation for hours worked from November 3, 2002, through November 3, 2005.

9. Defendant Sam's West, Inc.'s willful conduct from November 3, 2002, through August 22, 2004, violates 29 USC § 207.

10. Defendant Sam's West, Inc.'s conduct from November 3, 2003, through November 3, 2005, violates AS 23.10.110.

WHEREFORE, Plaintiff Worrells requests that the Court:

1. Enter judgment against Defendant Sam's West, Inc. for unpaid overtime compensation, and an equal amount in liquidated damages, under AS 23.10.110(a) and 29 USC § 216(b);

2. Award Plaintiff Worrells reasonable attorney fees, under AS 23.10.110(e) and 29 USC § 216(b); and



3. Grant such other relief as the Court considers just and equitable.

Dated this 21th day of March, 2006, at Fairbanks, Alaska.

WINFREE LAW OFFICE
A Professional Corporation
For Plaintiff Worrells

/s/ William B. Schendel
301 Cushman Street, Suite 200
Fairbanks, Alaska 99701
Phone: (907) 451-6500
Fax: (907) 451-6510
E-Mail: will.schendel@winfreelaw.com
Alaska Bar No. 7610128

CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2006
a copy of foregoing Second Amended
Complaint was served electronically on:

William A. Earnhart
Lane Powell PC
301 W. Northern Lights Blvd., 301
Anchorage, Alaska 99503-2648

Rudy A. Englund
Lane Powell PC
1420 Fifth Avenue, Suite 4100
Seattle, Washington 98101-2338

/s/ William B. Schendel
Winfree Law Office

Winfree Law Office
A Professional Corporation
301 Cushman Street, Suite 200
Fairbanks, Alaska 99701-4629
Telephone 907.451.6500
Facsimile 907.451.6510

